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| <b>NHS Greater Glasgow and Clyde</b> | <b>Paper No. 24/132</b>   |
| <b>Meeting:</b>                      | <b>NHSGGC Board Meeting</b>   |
| <b>Meeting Date:</b>                 | <b>29 October 2024</b>  |
| <b>Title:</b>                        | <b>United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill (UNCRC)</b> |
| <b>Sponsoring Director/Manager:</b>  | <b>Dr Emilia Crighton, Director of Public Health</b>  |
| <b>Report Author:</b>                | <b>Catriona Milosevic, Consultant Public Health Medicine</b>  |

## 1. Purpose

### **The purpose of the attached paper is to:**

This paper reports on the development of the United Nations Convention on the Rights of the Child (UNCRC) Bill, work already underway within GGC that complies with the requirements, and proposes an action plan to ensure further compliance.

## 2. Executive Summary

### **The paper can be summarised as follows:**

With Royal Assent granted in January 2024, most provisions aligned to the UNCRC Bill came into force on 16<sup>th</sup> July 2024. Embedding the recognition and protection of children's rights within Scots law, the Bill legally requires public bodies (extending beyond children's services) to act in compliance with the framework and includes the right to legal challenge if children's rights are not met.

In preparation for the Bill, national resources were developed and NES worked with Boards to a) map current compliance at Board level and b) identify areas of work that could be addressed on a national basis.

To support this, Public Health has led work to clarify the governance structure and conduct a gap analysis. Key areas of action, organised into four delivery work streams, include:

- Policy:** Formalise governance and cross-service partnership working to meet UNCRC; review NHSGGC complaints procedure.
- Capacity-building:** Develop tools that support services to involve children and young people; incorporate children's rights assessments into EQIA training.
- Culture:** Deliver NHSGGC-wide communications plan identifying core messages for public and staff; progress work within the Public Protection Framework and Significant Adverse Event Reviews.
- Collaboration:** Ensure younger people are engaged as part of the Moving Forward Together stakeholder engagement work; Raise children and young people's awareness of the complaints procedure.

### 3. Recommendations

**The NHS Board is asked to consider the following recommendations:**

- Note the commitment to delivering against the requirements of the UNCRC Bill, ensuring children's rights are recognised and protected.
- Acknowledge the breadth of work already underway across the system to meet UNCRC requirements.
- Note the identified themes for further action.

### 4. Response Required

**This paper is presented for awareness**

### 5. Impact Assessment

The impact of this paper on NHSGGC's corporate aims, approach to equality and diversity and environmental impact are assessed as follows:

- |                        |                        |
|------------------------|------------------------|
| • Better Health        | <u>Positive impact</u> |
| • Better Care          | <u>Positive impact</u> |
| • Better Value         | <u>Positive impact</u> |
| • Better Workplace     | <u>Neutral impact</u>  |
| • Equality & Diversity | <u>Positive impact</u> |
| • Environment          | <u>Neutral impact</u>  |

### 6. Engagement & Communications

**The issues addressed in this paper were subject to the following engagement and communications activity:**

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- Director and Deputy Director (Communications) of Corporate Communications Team
- Director and Deputy Director of Nursing

### **7. Governance Route**

This paper has been previously considered by the following groups as part of its development:

- Public Health Senior Management Team
- NHSGGC Rights of the Child Group
- Corporate Management Team
- Population Health and Wellbeing Committee

### **8. Date Prepared & Issued**

Prepared on 24 October 2024

Issued on 24 October 2024

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## 1. Introduction

This paper reports on the development of the United Nations Convention on the Rights of the Child (UNCRC) Bill, work already underway within GGC that complies with the requirements, and proposes an action plan to ensure further compliance.

## 2. Background

### 2.1 UNCRC Bill

- 2.1.1 Coming into force on 16 July 2025, the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill (UNCRC) embeds the recognition and protection of children's rights within Scots law. Public bodies are legally required to act in compliance with risks including legal challenge if children's rights are not met.
- 2.1.2 Extending beyond children's services, UNCRC provides a rights-based framework to uphold the rights of children and take their views into account in decision that affect them. This extends beyond children's services.
- 2.1.3 A 'Getting Ready for UNCRC Incorporation Framework' summarised the UNCRC delivery requirements to embed children's rights into 11 key aspects of work:

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2.1.4 Under the Children and Young People (Scotland) Act 2014, NHS Boards were required to publish reports on progress towards the advancement of children's rights. Incorporating UNCRC changes, the reports will now be required to be sent to Scottish Government for review by Ministers. The initial report will be required in 2026.

### 3. Assessment

Using the ‘Getting Ready for UNCRC Incorporation Framework’, the Public Health Directorate, working in partnership across Directorates, has conducted a gap analysis to identify existing good practice in relation to embedding children’s rights within NHSGGC and develop an action plan to fully comply with the requirements.

| Article   | Existing Good Practice  |
|---|---|
| <b>Leadership and Corporate Commitment</b>              | <ul style="list-style-type: none"> <li>• Rights of the Child (ROC) Group established co-chaired by RHC Chief Nurse and a PH Consultant.</li> <li>• <a href="#">NHSGGC Public Protection Strategy 2023-2026</a> prioritises child protection.</li> </ul>   |
| <b>Participation of Children and Young People (CYP)</b> | <ul style="list-style-type: none"> <li>• Strengthening the Voices of Young People and the Transition to Adult Support Services in Greater Glasgow &amp; Clyde has informed the process of <a href="#">involving young people</a>.</li> <li>• NHSGGC Patient Experience Public Involvement (PEPI) team provide system wide capacity building.</li> <li>• RHC Patient and Carer Experience (PACE) group.</li> <li>• Neonatal Team at RHC regularly holds HUG (Helping Us Grow) focus group meetings with neonatal staff and parents as part of the Family Integrated Care programme.</li> <li>• Sandyford service reached out to over 300 young people (13-17) to capture their views and experiences.</li> </ul>   |
| <b>Empowerment of Children and Young People</b>         | <ul style="list-style-type: none"> <li>• Children's rights outlined in the <a href="#">NHSGGC Consent Policy on Healthcare Assessment, Care &amp; Treatment</a> (section 13)</li> <li>• NHSGGC EQIA process includes protected characteristic of age.</li> <li>• <a href="#">Equalities Strategy: A Fairer NHSGGC 2020-2024</a> outlined successful transition into adult services requirements.</li> <li>• Transition also contained within NHSGGC Public Protection Quality and Assurance Framework (2023).</li> <li>• NHSGGC publishes information on independent advocacy services on its website by linking to <a href="#">Scottish Independent Advocacy Alliance</a> (with Barnardo’s listed for children and young people).</li> <li>• RHC provides information under "<a href="#">Gaining independence, taking control of your healthcare</a>"</li> </ul> |
| <b>Child Friendly Complaints Procedure</b>              | <ul style="list-style-type: none"> <li>• Complaints from children are currently recorded and monitored as per the standard complaints process.</li> </ul>   |
| <b>Training and Awareness Raising</b>                   | <ul style="list-style-type: none"> <li>• Children's Health Scotland (CHS) offer rights-based training to children and young people and work with staff in RHC.</li> <li>• NHSGGC Child Protection Training Framework sets out training to be able to discharge child protection responsibilities.</li> <li>• NES recently published <a href="#">an introductory module</a> on the Turas platform which can be accessed by NHSGGC staff.</li> <li>• Training on Equality Act (2010) and EQIA Lead Reviewer Training is in place.</li> </ul>  |
| <b>Improving Practice - Tools</b>                       | <ul style="list-style-type: none"> <li>• NHSGGC Policy Development Framework requires policies to contain robust information about the affected group of patients and likely impact.</li> </ul>   |

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| <b>and Resources to Support your Work</b>                | <ul style="list-style-type: none"> <li>• EQIA, supported where appropriate by a FEAT (Frontline Equality Assessment Tool), enables staff to consider service delivery and development of services in relation to protected characteristics including age.</li> </ul>   |
| <b>Publishing Child Friendly/ Easy Read Information</b>  | <ul style="list-style-type: none"> <li>• Established <a href="#">Patient &amp; Public Health Information Management Policy</a> (developed in 2021).</li> <li>• NHSGGC's <a href="#">Accessible Information Policy</a> (Clear to All) ensures consistent, and clear approach to the provision of accessible information including Easy Read and Plain English formats.</li> <li>• <a href="#">Care Opinion</a> website is the recognised route for the public to share experience of services.</li> </ul>   |
| <b>Measuring Progress</b>                                | <ul style="list-style-type: none"> <li>• Robust management of risk framework established with high scoring risks reviewed monthly (has included public Protection failure in relation to a vulnerable child: Risk 3058).</li> <li>• Variety of disaggregated information about children and young people is used in health service planning and monitoring.</li> </ul>   |
| <b>Children's Rights Budgeting</b>                       | <ul style="list-style-type: none"> <li>• <a href="#">NHSGGC Procurement Strategy 2022-2025</a> contains key priority around "Using our role as a procurer of goods and services to support the Board's employability and child poverty initiatives".</li> <li>• <a href="#">Turning the tide through prevention: Public Health Strategy 2018-2028</a> outlines our commitment to advocate for a reduction in poverty and socio-economic inequality.</li> </ul>   |
| <b>Accountability and Reporting on Children's Rights</b> | <ul style="list-style-type: none"> <li>• Board Nurse Director is Executive Lead for Child Protection.</li> <li>• Accountability and overall reporting for children's rights under the Children and Young People (Scotland) Act 2014 is via the Rights of the Child Group.</li> <li>• Annual <a href="#">A Fairer NHS Greater Glasgow and Clyde</a> report outlines work to meet requirements of equality legislation.</li> <li>• Reporting of child poverty actions is via yearly LCPARs.</li> </ul>   |
| <b>Non Discrimination/ Rights at Risk</b>                | <ul style="list-style-type: none"> <li>• Compliance with and monitoring of Equality Act 2010 and the Equality Act (Specific Duties) (Scotland) Regulations 2012.</li> <li>• Provision of face to face interpreting is standard practice for appointment when a child over 2 years old.</li> <li>• Hospital Education Service (HES) provides educational provision for pupils absent from school during a stay in hospital.</li> <li>• Teenage and Young Adult Cancer Service provides emotional, practical and financial support to young people who have cancer and their families</li> </ul> |

From this assessment, an action plan has been developed. This focuses on the four change work streams identified within the 'Getting Ready for UNCRC Incorporation Framework':

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NHSGGC UNCRC Action Plan

| Workstream  | Corporate Sponsor | Actions (compliance with UNCRC Article)   | Owner                            |
|---|-------------------|---|----------------------------------|
| <b>Policy</b><br><i>policy adaptation, co-ordination, administrative integration and budgetary consideration</i>  | Elaine Vanhegan   | Formalise governance and cross-service partnership working across the organisation to meet UNCRC ( <i>Leadership</i> )  | Elaine Vanhegan                  |
|   |                   | Review and update the governance, membership, terms of reference of the Rights of the Child Group ( <i>Leadership</i> )   | Mandy Meechan                    |
|   |                   | Update NHSGGC policy development framework to ensure corporate level plans make a commitment to UNCRC and involve children and young people in consultation ( <i>Leadership, Improving Practice</i> )   | Elaine Vanhegan                  |
|   |                   | Identify how to embed consideration of children's rights in budget decisions and budget setting, taking into account the Scottish Government's Participation Framework Agreement ( <i>Participation of Children and Young People, Children's Rights Budgeting</i> ) | Colin Neil                       |
|   |                   | Incorporate children's rights as part of planned review of Patient & Public Health Information Management Policy ( <i>Child Friendly/ Easy Read Material</i> )  | Emilia Crighton                  |
|   |                   | Review NHSGGC complaints procedure in line with forthcoming guidance from Scottish Public Services Ombudsman ( <i>Child Friendly Complaints Procedure</i> )   | Elaine Vanhegan                  |
| <b>Capacity building</b><br><i>cross-sector capacity and capability to integrate rights-based ways of working</i> | Emilia Crighton   | Develop strategy to ensure children and young people's participation at all levels, and in reviewing processes and practices ( <i>Participation of Children and Young People</i> )  | Sandra Bustillo                  |
|   |                   | Develop tools that support services to involve children and young people ( <i>Participation of Children and Young People, Improving Practice</i> )  | Sandra Bustillo                  |
|   |                   | Continue with inclusive engagement and EQIA approaches to identify barriers and take action to address ( <i>Empowerment</i> )   | Emilia Crighton/ Sandra Bustillo |
|   |                   | Expand training of wider staff groups by incorporating of children's rights assessments into EQIA training ( <i>Training and Awareness Raising</i> )  | Emilia Crighton                  |
|   |                   | Raise awareness of the Clear for All process and the Public Health Information Team to support the production and distribution of information in formats for children which are age appropriate ( <i>Child Friendly/ Easy Read Material</i> )                       | Emilia Crighton                  |
| <b>Culture</b><br><i>(changing attitudes, norms, values and everyday</i>  | Angela Wallace    | Raise awareness of UNCRC at senior level ( <i>Leadership</i> )  | Emilia Crighton                  |
|   |                   | Produce an NHSGGC communications plan identifying core messages for public and staff ( <i>Training and Awareness Raising</i> )  | Sandra Bustillo                  |
|   |                   | Review how children's rights are advanced in services not specifically for children for example emergency care ( <i>Participation of Children and Young People</i> )  | Angela Wallace                   |

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| actions)   |                 | Identify clinical or corporate areas where participation of children and young people requires focused improvement and target these areas. Priority services to be identified by Rights of Child Group in collaboration with Public Protection Forum<br><i>(Participation of Children and Young People)</i>   | Angela Wallace  |
|  |                 | Ensure there are protocols in place at key transition points across the range of Maternity, Neonatal, Paediatric, Health Visiting and School Health services, and also between Children and Young People Services and Adult Services. Priority services to be identified by Rights of Child Group and Public Protection Forum. <i>(Empowerment)</i> | Angela Wallace  |
|  |                 | Follow guidance and Clear to All process to ensure that Children’s Rights Reports are child friendly <i>(Child Friendly/ Easy Read Material)</i>  | Emilia Crighton |
|  |                 | Progress work within the NHSGGC Public Protection Quality Assurance Framework and following any Significant Adverse Event Reviews (SAERS) <i>(Measuring Progress)</i>   | Angela Wallace  |
|  |                 | Identify education gaps for children admitted to any service <i>(Non Discrimination/ Rights at Risk)</i>  | Angela Wallace  |
| <b>Collaboration</b><br>(ensuring a system of information, engagement, complaints, redress and effective remedy for children and young people) | Emilia Crighton | Ensure younger people are involved (as part of the stakeholder involvement work) in relation to accessing healthcare as part of the Moving Forward Together (MFT) Clinical and Infrastructure Strategy services <i>(Empowerment)</i>  | Sandra Bustillo |
|  |                 | Actively promote information on independent advocacy and rights to those children attending children’s and adult services <i>(Empowerment)</i>  | Angela Wallace  |
|  |                 | Raise children and young people’s awareness of the complaints procedure or alternative methods of resolving concerns including in services outwith the children’s hospital <i>(Child Friendly Complaints Procedure)</i>   | Sandra Bustillo |

#### **4. Recommendations**

**Board is asked to consider the following recommendations:**

- Note the commitment to delivering against the requirements of the UNCRC Bill, ensuring children's rights are recognised and protected.
- Acknowledge the breadth of work already underway across the system to meet UNCRC requirements.
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